

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2090 OF 2024

Sandip Hanmant Jadhav & Ors.	..Petitioners
<i>Versus</i>	
State Co-Operative Election Authority, Maharashtra State, Pune & Ors.	..Respondents

Mr. Manoj A. Patil i/b. Mr. Akash M. Muradkar for the Petitioner.
Ms. Kavita N. Solunke, AGP for the Respondent (State).

CORAM : A. S. CHANDURKAR &
 JITENDRA JAIN, JJ.

DATE : 15th FEBRUARY 2024

PC.:

1. The Petitioner Nos.1 to 6 along with seven others were elected as Directors at the Respondent No.4-Society in the elections that were held on 16th March 2022. Three of the said Directors were disqualified on 25th April 2023 and four other Directors resigned on 16th June 2023. Since only six Directors were left, an order under Section 77A of the Maharashtra Co-operative Societies Act, 1960 (for short “the Act 1960”) came to be passed by the Assistant Registrar on 24th July 2023. In the proceedings challenging that order, the Divisional Joint Registrar on 11th October 2023 remanded the proceedings and directed a fresh decision to be taken. It is submitted that pursuant thereto on 24th November 2023,

the Petitioner No.7 has been appointed as a Director to fill in the vacancy by invoking provisions of Section 77A of the Act 1960. As a result, presently there are seven Directors on the said Society. Despite the aforesaid, it is submitted that the Society intends to hold a fresh elections notwithstanding the fact that the elective term of the present Petitioner Nos.1 to 6 is to expire on 15th March 2027. The Respondent No.1 vide its communication dated 16th January 2024 has referred to the aforesaid and has directed the Society to take appropriate steps in that regard. It is urged that despite the aforesaid, the Respondent No.2 has proceeded to finalise the voters list with a view to hold a fresh elections for the period 2024-2029.

2. Issue notice to the Respondents, returnable on **14th March 2024**.

3. The learned Assistant Government Pleader waives notice for Respondent Nos.2 and 3.

4. Prima-facie, considering the fact that presently there are seven Directors, who are holding the post of Director, coupled with the fact that the elective term of the Petitioner Nos.1 to 6 is yet to expire, it is directed that until further orders, no steps be taken to hold fresh elections in terms of the order dated 15th January 2024.

5. Stand over to 14th March 2024.
6. The parties to act on an authenticated copy of this order.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)